

E-Filed: January 3, 2014

1 STUART F. DELERY

2 Assistant Attorney General

3 Civil Division

4 J. MAX WEINTRAUB

5 Senior Litigation Counsel

6 ANNA NELSON

7 Trial Attorney

8 United States Department of Justice

9 Civil Division

10 Office of Immigration Litigation

11 District Court Section

12 P.O. Box 878, Ben Franklin Station

13 Washington, DC 20044

14 Tel: (202) 532-4402

15 E-mail: anna.nelson@usdoj.gov

16 Attorneys for Defendants

17

18 UNITED STATES DISTRICT COURT FOR THE
19 NORTHERN DISTRICT OF CALIFORNIA

20 HUYNH, Diem Thi Thuy,

21 Plaintiff,

22 v.

23 : Case No.: 5:13-cv-05231-HRL

24 : STIPULATION FOR REMAND

25 JOHNSON, Jeh, Secretary of Homeland
26 Security,¹ *et al.*,

27 Defendants

28 :

29 :

30 :

31 :

32 Through this stipulation, Plaintiff's counsel, Bernadette Connolly, and Defendants'
33 counsel, Anna Nelson, stipulate and request as follows:

34 1. On November 8, 2013, Plaintiff filed with this Court an action under 8 U.S.C. § 1447(b),
35 requesting that this Court compel the United States Citizenship and Immigration Services
36 ("USCIS") to adjudicate and grant Plaintiff's pending N-400 Application for Naturalization
37 ("N-400 application").

38

39 ¹ On December 16, 2013, Jeh Johnson replaced the Acting Secretary of Homeland Security,
40 Rand Beers, and thus should be substituted for Mr. Beers as the proper defendant.

1 2. Within seven days of the Court's remand of this matter, USCIS will approve Plaintiff's
2 pending N-400 application, and schedule her for a naturalization oath ceremony on January 10,
3 ~~2014~~
~~2013~~.

4 3. However, due to the expiration of Plaintiff's biometrics requirements on January 19,
5 2013, if USCIS is unable to adjudicate the application or Plaintiff is unable to attend the oath
6 ~~2014~~
ceremony on January 10, ~~2013~~, then Plaintiff must attend a biometrics capture as directed by
7 USCIS to allow USCIS to complete necessary and current background checks.

8 4. If, for whatever reason, Plaintiff is not naturalized on January 10, ~~2013~~²⁰¹⁴, and must
9 provide updated biometrics, then USCIS will complete all necessary background checks within
10 21 days of Plaintiff's attendance at the biometrics appointment. Subsequently, and provided
11 that the background checks do not disclose additional arrests or convictions, USCIS will grant
12 Plaintiff's N-400 application and schedule her for an oath ceremony within 14 days of the
13 approval.

14 5. Both parties agree to bear their own costs and fees.

15 Respectfully submitted on December 23, 2013:

16
17 s/Bernadette Connolly
18 Bernadette W. Connolly, Esq.
19 Law Offices of Bernadette W. Connolly
20 1671 The Alameda, Suite 200
21 San Jose, California 95126
22 Tel: (408) 287-0383
23 Email: bwconnolly@aol.com

24 STUART F. DELERY
25 Assistant Attorney General
26 Civil Division

27 J. MAX WEINTRAUB
28 Senior Litigation Counsel

29
30 s/ Anna Nelson
31 ANNA NELSON
32 Trial Attorney
33 United States Department of Justice
34 Civil Division
35 Office of Immigration Litigation
36 District Court Section

37 Attorneys for Defendants

1
CERTIFICATE OF SERVICE

2 I hereby certify that on December 23, 2013, I electronically filed the foregoing
3 STIPULATION TO REMAND with the Clerk of Court by using the CM/ECF system. I further
4 certify that the foregoing will be served on Plaintiff's counsel by CM/ECF.
5
6

7 /s/ Anna Nelson
8 ANNA NELSON
9 United States Department of Justice
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STUART F. DELERY
Assistant Attorney General
Civil Division
J. MAX WEINTRAUB
Senior Litigation Counsel
ANNA NELSON
Trial Attorney
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
Tel: (202) 532-4402
E-mail: anna.nelson@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HUYNH, Diem Thi Thuy,
Plaintiff.

V.

JOHNSON, Jeh, Secretary of Homeland Security, *et al.*, Defendants

The Court has considered the Stipulation to Remand, and finds good cause to grant the motion. This case is hereby REMANDED to USCIS for adjudication of Plaintiff's N-400 Application.

Dated: January 3, 2014


The Honorable Howard R. Lloyd
United States Magistrate Judge